

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BROADCAST MUSIC, INC.; UNIVERSAL-)
SONGS OF POLYGRAM INTERNATIONAL,)
INC.; WARNER-TAMERLANE PUBLISHING)
CORP.; SONY/ATV SONGS LLC d/b/a SONY/)
ATV TREE PUBLISHING; WELSH WITCH)
MUSIC; SONY/ATV SONGS LLC; THE)
BERNARD EDWARDS COMPANY LLC;)
COMBINE MUSIC CORP.; PAUL SIMON)
MUSIC; GIBB BROTHERS MUSIC;)
CROMPTON SONGS; JOHN SEBASTIAN)
MUSIC; SEASONS FOUR MUSIC; SCREEN)
GEMS-EMI MUSIC, INC.; STONE DIAMOND)
MUSIC CORP.; MAN-KEN MUSIC LTD.; EMI)
BLACKWOOD MUSIC, INC.; LESS THAN)
ZERO MUSIC; SOUTHFIELD ROAD)
MUSIC; FAKE AND JADED MUSIC,)
Plaintiffs,)
v.) CIVIL ACTION NO.
KATSAROS, INC. d/b/a YORGOS RESTAURANT)
AND LOUNGE a/k/a YORGOS; and GEORGE)
KATSAROS, individually,)
Defendants.)

COMPLAINT

Plaintiffs, by their attorneys, for their Complaint against Defendants, allege as follows (on knowledge as to Plaintiffs; otherwise on information and belief):

JURISDICTION AND VENUE

1. This is a suit for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. Sections 101 et seq. (the "Copyright Act"). This Court has jurisdiction pursuant to 28 U.S.C. Section 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. Section 1400(a).

THE PARTIES

3. Plaintiff Broadcast Music, Inc. (“BMI”), is a corporation organized and existing under the laws of the State of New York. BMI’s principal place of business is 7 World Trade Center, 250 Greenwich Street, New York, New York 10007. BMI has been granted the right to license the public performance rights in approximately 10.5 million copyrighted musical compositions (the “BMI Repertoire”), including those which are alleged herein to have been infringed.

4. The Plaintiffs other than BMI are the owners of the copyrights in the musical compositions, which are the subject of this lawsuit. All Plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Plaintiff Universal-Songs of Polygram International, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

6. Plaintiff Warner-Tamerlane Publishing Corp. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

7. Plaintiff Sony/ATV Songs LLC is a limited liability company doing business as Sony/ATV Tree Publishing. This Plaintiff is the copyright owner of at least one of the songs in this matter.

8. Plaintiff Welsh Witch Music is a sole proprietorship owned by Stephanie Nicks. This Plaintiff is the copyright owner of at least one of the songs in this matter.

9. Plaintiff Sony/ATV Songs LLC is a limited liability company. This Plaintiff is the copyright owner of at least one of the songs in this matter.

10. Plaintiff The Bernard Edwards Company LLC is a limited liability company. This Plaintiff is the copyright owner of at least one of the songs in this matter.

11. Plaintiff Combine Music Corp. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

12. Plaintiff Paul Simon Music is a sole proprietorship owned by Paul Simon. This Plaintiff is the copyright owner of at least one of the songs in this matter.

13. Plaintiff Gibb Brothers Music is a partnership owned by the Estate of Maurice Ernest Gibb and the Estate of Robin Gibb. This Plaintiff is the copyright owner of at least one of the songs in this matter.

14. Plaintiff Crompton Songs is a sole proprietorship owned by Barry Alan Gibb. This Plaintiff is the copyright owner of at least one of the songs in this matter.

15. Plaintiff John Sebastian Music is a sole proprietorship owned by John Sebastian. This Plaintiff is the copyright owner of at least one of the songs in this matter.

16. Plaintiff Seasons Four Music is a partnership owned by Robert Gaudio and Frankie Valli. This Plaintiff is the copyright owner of at least one of the songs in this matter.

17. Plaintiff Screen Gems-EMI Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

18. Plaintiff Stone Diamond Music Corp. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

19. Plaintiff Man-Ken Music Ltd. is a limited company. This Plaintiff is the copyright owner of at least one of the songs in this matter.

20. Plaintiff EMI Blackwood Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

21. Plaintiff Less Than Zero Music is a sole proprietorship owned by Jonathan Siebels. This Plaintiff is the copyright owner of at least one of the songs in this matter.

22. Plaintiff Southfield Road Music is a sole proprietorship owned by Tony Fagenson.

This Plaintiff is the copyright owner of at least one of the songs in this matter.

23. Plaintiff Fake and Jaded Music is a sole proprietorship owned by James Maxwell

Stuart Collins. This Plaintiff is the copyright owner of at least one of the songs in this matter.

24. Defendant Katsaros, Inc. is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, which operates, maintains and controls an establishment known as Yorgos Restaurant and Lounge also known as Yorgos, located at 66 N Queens Street, Lancaster, Pennsylvania 17603, in this district (the "Establishment").

25. In connection with the operation of the Establishment, Defendant Katsaros, Inc. publicly performs musical compositions and/or causes musical compositions to be publicly performed.

26. Defendant Katsaros, Inc. has a direct financial interest in the Establishment.

27. Defendant George Katsaros is the President of Defendant Katsaros, Inc. with responsibility for the operation and management of that corporation and the Establishment.

28. Defendant George Katsaros has the right and ability to supervise the activities of Defendant Katsaros, Inc. and a direct financial interest in that corporation and the Establishment.

CLAIMS OF COPYRIGHT INFRINGEMENT

29. Plaintiffs repeat and reallege each of the allegations contained in Paragraphs 1 through 28.

30. Since August 2015, BMI has reached out to Defendants over twenty-five (25) times, by phone and mail, in an effort to educate Defendants as to their obligations under the Copyright Act with respect to the necessity of purchasing a license for the public performance of musical compositions in the BMI repertoire. Included in the letters were Cease and Desist Notices,

providing Defendants with formal notice that they must immediately cease all use of BMI-licensed music in the Establishment.

31. Plaintiffs allege thirteen (13) claims of willful copyright infringement, based upon Defendants' unauthorized public performance of musical compositions from the BMI Repertoire. All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against Defendants.

32. Annexed to this Complaint as a schedule (the "Schedule") and incorporated herein is a list identifying some of the many musical compositions whose copyrights were infringed by Defendants. The Schedule contains information on the thirteen (13) claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information (all references to "Lines" are lines on the Schedule): Line 1 providing the claim number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 identifying the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued for the musical composition; Line 6 indicating the copyright registration number(s) for the musical composition; Line 7 showing the date(s) of infringement; and Line 8 identifying the Establishment where the infringement occurred.

33. For each work identified on the Schedule, the person(s) named on Line 3 was the creator of that musical composition.

34. For each work identified on the Schedule, on or about the date(s) indicated on Line 5, the publisher(s) named on Line 4 (including any predecessors in interest), complied in all

respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the number(s) listed on Line 6.

35. For each work identified on the Schedule, on the date(s) listed on Line 7, Plaintiff BMI was (and still is) the licensor of the public performance rights in the musical composition identified on Line 2. For each work identified on the Schedule, on the date(s) listed on Line 7, the Plaintiff(s) listed on Line 4 was (and still is) the owner of the copyright in the respective musical composition listed on Line 2.

36. For each work identified on the Schedule, on the date(s) listed on Line 7, Defendants publicly performed and/or caused to be publicly performed at the Establishment the musical composition identified on Line 2 without a license or permission to do so. Thus, Defendants have committed copyright infringement.

37. The specific acts of copyright infringement alleged in the Complaint, as well as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI Repertoire at the Establishment, Defendants threaten to continue committing copyright infringement. Unless this Court restrains Defendants from committing further acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

WHEREFORE, Plaintiffs pray that:

(I) Defendants, their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. Section 502;

- (II) Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C. Section 504(c);
- (III) Defendants be ordered to pay costs, including a reasonable attorney's fee, pursuant to 17 U.S.C. Section 505; and
- (IV) Plaintiffs have such other and further relief as is just and equitable.

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Schedule

Line 1	Claim No.	1
Line 2	Musical Composition	Crocodile Rock
Line 3	Writer(s)	Elton John; Bernie Taupin
Line 4	Publisher Plaintiff(s)	Universal - Songs of Polygram International, Inc.
Line 5	Date(s) of Registration	11/17/72
Line 6	Registration No(s).	Efo 159444
Line 7	Date(s) of Infringement	9/9/2016
Line 8	Place of Infringement	Yorgos Restaurant and Lounge a/k/a Yorgos

Line 1	Claim No.	2
Line 2	Musical Composition	Don't Take The Girl
Line 3	Writer(s)	Craig M. Martin; Larry W. Johnson
Line 4	Publisher Plaintiff(s)	Warner-Tamerlane Publishing Corp.; Sony/ATV Songs LLC d/b/a Sony/ATV Tree Publishing
Line 5	Date(s) of Registration	10/7/93
Line 6	Registration No(s).	PA 675-193
Line 7	Date(s) of Infringement	9/8/2016
Line 8	Place of Infringement	Yorgos Restaurant and Lounge a/k/a Yorgos

Line 1	Claim No.	3
Line 2	Musical Composition	Dreams
Line 3	Writer(s)	Stevie Nicks
Line 4	Publisher Plaintiff(s)	Stephanie Nicks, an individual d/b/a Welsh Witch Music
Line 5	Date(s) of Registration	4/1/77 8/22/77
Line 6	Registration No(s).	Eu 772675 Ep 373129
Line 7	Date(s) of Infringement	9/8/2016
Line 8	Place of Infringement	Yorgos Restaurant and Lounge a/k/a Yorgos

Line 1	Claim No.	4
Line 2	Musical Composition	Good Times a/k/a Rappers' Delight
Line 3	Writer(s)	Nile Rodgers; Bernard Edwards
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC; The Bernard Edwards Company LLC
Line 5	Date(s) of Registration	6/27/79 6/16/81
Line 6	Registration No(s).	PA 37-207 PA 108-303
Line 7	Date(s) of Infringement	9/8/2016
Line 8	Place of Infringement	Yorgos Restaurant and Lounge a/k/a Yorgos

Line 1	Claim No.	5
Line 2	Musical Composition	Inside Out
Line 3	Writer(s)	James Maxwell Stuart Collins; Jonathan Lee Siebels; Anthony Edward Fagenson
Line 4	Publisher Plaintiff(s)	Jonathan Siebels, an individual d/b/a Less Than Zero Music; Tony Fagenson, an individual d/b/a Southfield Road Music; James Maxwell Stuart Collins, an individual d/b/a Fake And Jaded Music
Line 5	Date(s) of Registration	6/18/98
Line 6	Registration No(s).	PA 896-254
Line 7	Date(s) of Infringement	9/8/2016
Line 8	Place of Infringement	Yorgos Restaurant and Lounge a/k/a Yorgos

Line 1	Claim No.	6
Line 2	Musical Composition	Me And Bobby McGee
Line 3	Writer(s)	Kris Kristofferson; Fred Foster
Line 4	Publisher Plaintiff(s)	Combine Music Corp.
Line 5	Date(s) of Registration	7/18/69
Line 6	Registration No(s).	Ep 260746
Line 7	Date(s) of Infringement	9/9/2016
Line 8	Place of Infringement	Yorgos Restaurant and Lounge a/k/a Yorgos

Line 1	Claim No.	7
Line 2	Musical Composition	Mother And Child Reunion
Line 3	Writer(s)	Paul Simon
Line 4	Publisher Plaintiff(s)	Paul Simon, an individual d/b/a Paul Simon Music
Line 5	Date(s) of Registration	11/15/71
Line 6	Registration No(s).	Eu 292678
Line 7	Date(s) of Infringement	9/8/2016
Line 8	Place of Infringement	Yorgos Restaurant and Lounge a/k/a Yorgos

Line 1	Claim No.	8
Line 2	Musical Composition	Night Fever
Line 3	Writer(s)	Barry Gibb, Robin Gibb, Maurice Gibb
Line 4	Publisher Plaintiff(s)	Estate of Maurice Ernest Gibb and the Estate of Robin Gibb d/b/a Gibb Brothers Music; Barry Alan Gibb, an individual d/b/a Crompton Songs
Line 5	Date(s) of Registration	3/7/77 5/22/78 3/19/84 3/19/84
Line 6	Registration No(s).	Eu 761687 PA 5-305 PA 209-614 PAu 618-253
Line 7	Date(s) of Infringement	9/8/2016
Line 8	Place of Infringement	Yorgos Restaurant and Lounge a/k/a Yorgos

Line 1	Claim No.	9
Line 2	Musical Composition	Welcome Back Kotter a/k/a Welcome Back
Line 3	Writer(s)	John B. Sebastian
Line 4	Publisher Plaintiff(s)	John Sebastian, an individual d/b/a John Sebastian Music
Line 5	Date(s) of Registration	3/11/76 5/21/76 7/12/76 7/23/76
Line 6	Registration No(s).	Eu 660212 Ep 352987 Ep 354828 Ep 355343
Line 7	Date(s) of Infringement	9/8/2016
Line 8	Place of Infringement	Yorgos Restaurant and Lounge a/k/a Yorgos

Line 1	Claim No.	10
Line 2	Musical Composition	Workin' My Way Back To You
Line 3	Writer(s)	Denny Randell; Sandy Linzer
Line 4	Publisher Plaintiff(s)	Robert Gaudio and Frankie Valli, a partnership d/b/a Seasons Four Music; Screen Gems-EMI Music, Inc.
Line 5	Date(s) of Registration	3/24/66 3/24/66
Line 6	Registration No(s).	Ep 214106 Eu 913110
Line 7	Date(s) of Infringement	9/8/2016
Line 8	Place of Infringement	Yorgos Restaurant and Lounge a/k/a Yorgos

Line 1	Claim No.	11
Line 2	Musical Composition	You Keep Me Hangin' On
Line 3	Writer(s)	Eddie Holland; Lamont Dozier; Brian Holland
Line 4	Publisher Plaintiff(s)	Stone Diamond Music Corp.
Line 5	Date(s) of Registration	8/8/66
Line 6	Registration No(s).	Ep 220063
Line 7	Date(s) of Infringement	9/8/2016
Line 8	Place of Infringement	Yorgos Restaurant and Lounge a/k/a Yorgos

Line 1	Claim No.	12
Line 2	Musical Composition	Things We Do For Love a/k/a The Things We Do For Love
Line 3	Writer(s)	Eric Stewart; Graham Gouldman
Line 4	Publisher Plaintiff(s)	Man-Ken Music Ltd.
Line 5	Date(s) of Registration	1/4/77
Line 6	Registration No(s).	Eu 744296
Line 7	Date(s) of Infringement	9/8/2016
Line 8	Place of Infringement	Yorgos Restaurant and Lounge a/k/a Yorgos

Line 1	Claim No.	13
Line 2	Musical Composition	Rehab
Line 3	Writer(s)	Amy Winehouse
Line 4	Publisher Plaintiff(s)	EMI Blackwood Music, Inc.
Line 5	Date(s) of Registration	3/15/07
Line 6	Registration No(s).	PA 1-167-207
Line 7	Date(s) of Infringement	9/8/2016
Line 8	Place of Infringement	Yorgos Restaurant and Lounge a/k/a Yorgos
